

mec/2004R00099

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Jose L. Linares
	:	
v.	:	Criminal No. 08-561
	:	
FREDERICK UGWU and	:	<u>Order Concerning Attorney-</u>
AMER MIR	:	<u>Client Privilege</u>

This matter having been opened to the Court on the motion of Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (Mark E. Coyne and Matthew E. Beck, Assistant U.S. Attorneys, appearing), Docket Entry 50, for a ruling that the crime-fraud exception to the attorney-client privilege applies to defendant Frederick Ugwu's representation by Neil Chessin, Esq., in real estate transactions at issue in the Superseding Indictment (the "Representation"); defendant Ugwu (Henry E. Klingeman, Esq., appearing) having submitted an affidavit under penalty of perjury waiving the attorney-client privilege concerning the Representation and requesting that an Order be entered memorializing that waiver; the United States having served upon Attorney Chessin a subpoena pursuant to Fed. R. Crim. P. 17; and good cause having been shown, the Court makes the following findings:

1. Defendant Ugwu has waived the attorney-client privilege concerning the Representation.
2. This waiver is knowing and voluntary.

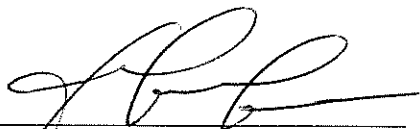
3. Pretrial disclosure by Attorney Chessin to the parties of all documents concerning the Representation will facilitate the just and efficient resolution of this case.

IT IS, therefore, on this 25th day of August, 2009,

ORDERED that the attorney-client privilege having been waived, Attorney Chessin may disclose to the parties all matters concerning the Representation; and it is further

ORDERED that Attorney Chessin produce pursuant to Fed. R. Crim. P. 17(c)(1) all subpoenaed documents concerning the Representation to the United States and defendant Ugwu by no later than August 31, 2009; and it is further

ORDERED that the United States' motion, Docket Entry 50, is hereby DENIED without prejudice as moot.



HON. JOSE L. LINARES
UNITED STATES DISTRICT JUDGE